

RMT:CRH/SME  
F.# 2013R01026

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
- - - - -X

UNITED STATES OF AMERICA

- against -

JOHN DOE,

Defendant.

APPLICATION TO CLOSE  
COURTROOM AND FILE  
DOCUMENTS UNDER SEAL

Docket No.

- - - - -X

RICHARD P. DONOGHUE, United States Attorney for the Eastern District of New York, by Assistant United States Sarah Evans, submits this application for an order to close the courtroom for the defendant's bail hearing and seal the transcript of the proceedings.

1. To comply with the notice requirements set forth in United States v. Alcantara, 396 F.3d 189 (2d Cir. 2005), the government respectfully requests that: (1) a public hearing on this motion be scheduled for March 12, 2019, at 10:00 a.m., just prior to the bail application; (2) the Court's public calendar reflect that the government has filed a motion for courtroom closure, along with the time and place of the hearing; (3) the public docket sheet in the above-captioned case reflect that a motion for courtroom closure has been filed, as well as the date, time and place of the hearing on the motion; and (4) the Court's calendar for the dates of the hearings not include the defendant's name, but rather use the caption United States v. John Doe. Finally, the government respectfully requests that, after

holding a public hearing on the government's motion on March 12, 2019, the Court enter the enclosed proposed order regarding courtroom closure and sealing.

2. The Second Circuit explained in Alcantara that “[t]he motion itself may be filed under seal, when appropriate, by leave of court, but the publicly maintained docket entries should reflect the fact that the motion was filed, the fact that the motion and any supporting or opposing papers were filed under seal, the time and place of any hearing on the motion, the occurrence of such hearing, the disposition of the motion, and the fact of courtroom closure, whether ordered upon motion of a party or by the Court sua sponte.” Id. at 200.

3. The government has submitted a motion to close the courtroom, under seal, which contains specific facts sufficient to support the necessary findings for the court to close the courtroom following the public hearing.

4. The facts contained in the government's sealed motion establish (1) a substantial probability of prejudice to a compelling interest of the defendant, government or third party; (2) no reasonable alternative to closure can protect the compelling interest; (3) prejudice to the compelling interest overrides the qualified First Amendment right of access; and (4) the requested closure order is narrowly tailored to protect the compelling interest.

WHEREFORE it is respectfully requested that this Court, after holding a public hearing, enter an order to close the courtroom, which contains findings reflecting: (a) the substantial probability that a public proceeding would prejudice the compelling interests identified above; (b) the lack of reasonable alternatives to courtroom closure; and (c) that the

prejudice to the compelling interests overrides the qualified right of the public and the media to access the proceedings.

Dated: Brooklyn, New York  
March 5, 2019

RICHARD P. DONOGHUE  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

By:   
Craig R. Heeren  
Sarah Evans  
Assistant U.S. Attorneys  
(718) 254-6467/6490